

*See Doc. Canada. Privileges and Elections
Standing Committee on, 1959*

HOUSE OF COMMONS

Second Session—Twenty-fourth Parliament
1959

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STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: Mr. Heath MACQUARRIE

MINUTES OF PROCEEDINGS AND EVIDENCE

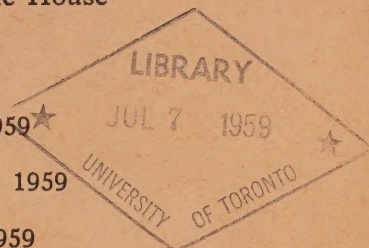
No. 3

Including Second Report to the House

MONDAY, JUNE 8, 1959 ★

WEDNESDAY, JUNE 10, 1959

MONDAY, JUNE 22, 1959



CANADA ELECTIONS ACT

WITNESS:

Mr. Nelson J. Castonguay, Chief Electoral Officer.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman: Heath Macquarrie, Esq.,

Vice-Chairman: M. Deschambault, Esq.,

and Messrs.

Aiken,	Godin,	Meunier,
Barrington,	Hardie,	Nielsen,
Beech,	Henderson,	Ormiston,
Bell (<i>Carleton</i>),	Howard,	Paul,
Bell (<i>Saint John-Albert</i>),	Johnson,	Pickersgill,
Dinsdale,	Kucherepa,	Richard (<i>Ottawa East</i>),
Flynn,	McBain,	Tassé,
Fraser,	McIlraith,	Valade,
Grills,	*McWilliam	Webster.

* Replaced Mr. Carter on June 12.

Antonio Plouffe,
Clerk of the Committee.

ORDER OF REFERENCE

FRIDAY, June 12, 1959.

Ordered,—That the name of Mr. McWilliam be substituted for that of Mr. Carter on the Standing Committee on Privileges and Elections.

Attest.

L. J. RAYMOND,
Clerk of the House.

REPORT TO THE HOUSE

WEDNESDAY, June 24, 1959.

The Standing Committee on Privileges and Elections has the honour to present its

SECOND REPORT

Pursuant to the Orders of Reference dated Monday, February 9 and Tuesday, February 10, 1959, your Committee held its Organization Meeting on February 17.

On Wednesday, April 29, the House adopted the following Order of Reference:

Ordered,—That the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act, and the several amendments thereto suggested by the Chief Electoral Officer; and to report to the House such proposals relating to the said Act as the Committee may deem to be advisable.

In consequence of a resolution of the Committee passed on May 12, the following Members were designated by the Chairman to act with himself on a subcommittee on Agenda and Procedure, namely; Mr. Deschambault, Vice-Chairman; Messrs. Aiken, Bell (*Carleton*), Howard, Richard (*Ottawa East*), and Webster.

At a further meeting of the Committee held on May 22, your Committee assented to a recommendation of its Subcommittee on Agenda and Procedure to the effect that no exhaustive examination be made this session of the Canada Elections Act.

Your Committee held six meetings in the course of which Mr. Nelson J. Castonguay, Chief Electoral Officer, was heard and examined. Present also at these meetings was Col. E. A. Anglin, Assistant Chief Electoral Officer.

Considerable information relating to The Canada Elections Act was tabled before the Committee at the meetings either on the initiative of the Chief Electoral Officer or at the request of the Committee in the form of prepared statements, memoranda and answers to questions.

A great number of communications received during the years 1957, 1958 and 1959 by the Chief Electoral Officers Office and/or the Secretary of State Department from individuals, organizations and others were tabulated and printed in the Evidence.

Your Committee believes that this material which was either ordered printed or filed with the Committee will be of major assistance to the Committee when reconstituted at the Third Session of this Parliament.

Your Committee proceeded to consider certain amendments to the Act suggested by the Chief Electoral Officer, which amendments the Committee accepted in principle.

Your Committee recommends that the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act at the earliest possible date next Session with a view to affording this Committee an opportunity for exhaustive and constructive examination and study of the said Act.

Your Committee wishes to record its appreciation to the Chief Electoral Officer and his Assistant for their helpful testimony and assistance.

A copy of the Minutes of Proceedings and Evidence is appended together with a copy of suggested amendments to The Canada Elections Act.

Respectfully submitted,

(HEATH MACQUARRIE)
Chairman.

MINUTES OF PROCEEDINGS

MONDAY, June 8, 1959.

The Standing Committee on Privileges and Elections met this day at 9.30 o'clock, pursuant to notice. Mr. Heath Macquarrie, the Chairman, presided.

Members present: Messrs. Aiken, Bell (*Carleton*), Bell (*Saint John-Albert*), Kucherepa, Macquarrie, Nielsen, Ormiston and Webster. (8)

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer, Ottawa.

It being 9.57 o'clock and there being no quorum, the Chairman adjourned the meeting to the call of the Chair.

He thereupon instructed the Clerk to call a meeting for 11.00 o'clock this day.

LATER THIS DAY

The Standing Committee on Privileges and Elections met this day at 11.00 o'clock, pursuant to notice, Mr. Heath Macquarrie, the Chairman, presided.

Members present: Messrs. Bell (*Carleton*), Bell (*Saint John-Albert*), Kucherepa, Macquarrie, Ormiston and Webster. (6)

In attendance: The same as above.

It being 11.13 o'clock, and there being still no quorum, the Chairman adjourned the meeting until Wednesday, June 10th next at two o'clock.

WEDNESDAY, June 10, 1959.

(5)

The Standing Committee on Privileges and Elections met this day at 2.00 o'clock p.m. The Chairman, Mr. Heath Macquarrie, presided.

Members present: Messrs. Bell (*Carleton*), Deschambault, Flynn, Godin, Henderson, Kucherepa, Macquarrie, McIlraith, Meunier, Paul, Pickersgill and Tassé. (12)

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Chairman made a statement with respect to the extent of the study of the Committee this Session.

Mr. Castonguay was called. He read a letter he received on June 1st from the Chief Electoral Officer of British Columbia with respect to the system of registration used in that province. He made further comments on absentee voting and rejected ballots in the Province of Saskatchewan.

The witness then tabled a report respecting registration and voting in Australia.

On motion of Mr. Bell (*Carleton*), seconded by Mr. Pickersgill,

Ordered,—That the above report be printed as an appendix. (*See Appendix III to this day's evidence*).

The witness also read into the record, in answer to Mr. Bell (*Carleton*), an additional suggested amendment to The Canada Elections Act concerning qualification of electors.

On motion of Mr. Pickersgill,

Ordered,—That the above amendment be printed as an appendix. (*See Appendix IV to this day's evidence*).

With respect to voting by Civil Servants abroad, the witness stated that the Department of External Affairs intended to make proposals in this respect to an appropriate Committee of Parliament.

Mr. Castonguay also tabled for distribution to the members mimeographed copies of a letter appending a report dated May 22, 1959, of an inquiry into alleged irregularities in the electoral district of Cartier. This official report was tabled in French and copies of a translation thereof were also distributed.

After a brief discussion on the proposed work of the Committee at the next Session, and Mr. Castonguay's examination being concluded, the Committee adjourned at 2.30 o'clock to the call of the Chair when it will consider its Report to the House.

MONDAY, June 22, 1959.

(6)

Pursuant to notice, the Standing Committee on Privileges and Elections met *in camera* at 1.30 o'clock this day. The Chairman, Mr. Heath Macquarrie, presided.

Members present: Messrs. Aiken, Barrington, Beech, Bell (*Carleton*), Bell (*Saint John-Albert*), Deschambault, Dinsdale, Flynn, Godin, Henderson, Kucherepa, McWilliam, Macquarrie, McBain, Paul, Pickersgill and Webster. (17)

The Committee proceeded to consider a draft report.

The members present read the said report, and on motion of Mr. Kucherepa, seconded by Mr. Flynn, the Second Draft Report was adopted.

Ordered,—That the Chairman present the said draft report as the Committee's Second Report to the House.

The Chairman referred to a letter which he had received from the Canadian Association of Broadcasters dated June 19, 1959, forwarding mimeographed copies of representations of this Association relating to The Canada Elections Act.

On motion of Mr. Pickersgill, seconded by Mr. Aiken,

Resolved,—That the said copies be distributed forthwith, and that the Chairman write to the Canadian Association of Broadcasters informing the said association that time did not allow the Committee to make an exhaustive study of the Act, and that the association was at liberty to make whatever distribution they wanted of the above mentioned document.

The Chairman expressed his appreciation to members for the cooperation he received throughout the proceedings.

At 1.40 o'clock, the Committee adjourned to the call of the Chair.

Antonio Plouffe,
Assistant Chief Clerk of Committees.

EVIDENCE

WEDNESDAY, June 10, 1959
2 p.m.

The CHAIRMAN: Gentlemen, we now have a quorum. I would like to extend a welcome to Mr. Godin whose name has been added to this committee since it was originally constituted. You are particularly welcome at this juncture.

Now, gentlemen, with the utmost brevity at my command, I would like to state that we had some difficulty with our meeting arrangements last Monday, and to show a triumph of hope over experience we have called a meeting in the largest room in the whole place. I am glad we have a properly constituted quorum.

It was thought by your chairman and the steering committee that had we been able to meet on Monday we might have dealt with the questions the chief electoral officer had taken up, in addition to others, and possibly have concluded this phase of our work.

We have to keep the fact in mind that at the next session the Privileges and Elections Committee will be taking up the Elections Act. I am confident it will be referred to the committee early in the forthcoming session and I am confident too that the committee will have a great deal to do during its exhaustive study of the whole question. Therefore, the advisability of dealing at this session with many things which will inevitably arise at the next session must be considered. Now that we are sufficiently strong enough to constitute a committee, it is up to us to decide what we will do. We will have to decide whether we will meet several times in the future, whether one meeting will be sufficient or whether we might conclude our questioning, prepare our report and move on.

Now, gentlemen, I leave that thought with you for a moment and I will call upon Mr. Castonguay to deal with the questions which were brought up at our last meeting. While we have lots of space here, we have very little time. We have to move out at 2.30 p.m.

Mr. Nelson CASTONGUAY (*Chief Electoral Officer*): At the last meeting, Mr. Chairman, I was asked to obtain information in connection with the permanent list of electors in the province of British Columbia, absentee voting in the provinces of British Columbia and Saskatchewan and some information with respect to the system of registration and voting in Australia.

I was in communication with the chief electoral officer in the province of British Columbia and he sent me the following letter, which I would like to read to the committee. It is dated June 1, 1959 and addressed to me. It reads as follows:

Further to your enquiry today, the following may help to clarify the system of registration used in the province of British Columbia.

The permanent voters list in this province is maintained in the rural electoral districts by the government agents who also act as registrar of voters in addition to other duties. In the urban electoral districts the registrar has no other duties.

Addressograph equipment is employed, hand machines in rural districts and electric in urban. By means of this equipment a list can

be prepared for the printer many times faster than by hand. The printer, from this copy, sets the type and prints the list.

Concerning registration periods before an election, the act provides a period of not less than seven days after issue of the writ before the list closes. Although voters may register at any time at the registrar's office, they do not avail themselves of the opportunity, therefore this seven-day period would hardly be long enough for a complete registration, and with any election with which I have been connected the government has allowed time for registration in addition to that allowed by the act.

There is provision in the Election Act (Sec. 18) for the lieutenant-governor-in-council to order the cancellations of the existing registrations or any portion thereof, and the list was fully cancelled in 1948 and a new list compiled by enumeration, covering a fairly extensive period. That was the list used for the 1949 election, plus registrations filed in the legal time allowed after issue of writ. Prior to the 1952 election the list was not cancelled but a very extensive registration was carried out by enumeration over a period of several months. In the last two elections some of the larger districts were enumerated, but generally speaking, registration centres were opened throughout each district. Although time for registration was in excess of that allowed under the act it was quite limited.

The Saskatchewan electoral system provides for the preparation of a list, Mr. Chairman, in the same manner as we probably use. They have a provision for absentee voting. At the 1956 election 7,077 absentee ballots were counted and 640 were rejected.

The provisions there—I do not know if the committee wish me to read the provisions, but it is generally an affidavit taken at the poll, with none of the normal safeguards. The only safeguard they have is to check to see whether that elector's name is on the list when the postal ballot arrives. There is no comparison of signatures. That is the only safeguard they have.

In my files I have a memorandum prepared by the chief electoral officer of Australia, Mr. V. F. Turner, on the system of registration and on the system of voting in Australia. It is quite detailed and, maybe in the interest of saving the time of the committee, you might wish to have it printed as an appendix.

Mr. BELL (*Carleton*): I so move.

Mr. PICKERSGILL: I second that motion.

The CHAIRMAN: Is that agreed?

Motion agreed to.

Mr. CASTONGUAY: There is one more suggestion. In order to implement the suggestion made by Mr. Bell with respect to persons returning to Canada and being able to vote at an election, and not meet the year's residence qualification prior to voting day, I have prepared an amendment. I have copies here for each member of the committee.

This amendment was prepared with the assistance of the Department of Justice, and its effect would be that any Canadian citizen returning to Canada would only be required to be resident in the electoral district on the date of issue of the writ ordering an election.

However, a British subject arriving in Canada, who is not a Canadian citizen, would have to meet the year's residence qualification prior to polling day.

Whether this meets the desires of the committee, I do not know, and I would like to be informed.

The CHAIRMAN: Are there any questions or comments on this proposed amendment?

Mr. BELL (*Carleton*): This conforms—

Mr. PICKERSGILL: I was just going to suggest we have it made an appendix to our record, and it will be there for study when we come to study the whole election Act next year.

The CHAIRMAN: You make that motion?

Mr. PICKERSGILL: Yes, I make the motion.

The CHAIRMAN: Agreed, gentlemen?

Motion agreed to.

The CHAIRMAN: Mr. Bell, you had a comment you wished to make?

Mr. BELL (*Carleton*): Yes; this conforms to what I had in mind, and I think it is a matter on which we should not take a final decision now. But as Mr. Pickersgill suggested, we should take our final decision when the whole act is under review next year. However, I think it does meet the point I have in mind.

The CHAIRMAN: Thank you Mr. Bell, and thank you Mr. Castonguay. Have you anything further to say?

Mr. CASTONGUAY: Mr. Chairman, at the last meeting Mr. Richard asked me to prepare a memorandum with respect to civil servants voting abroad. I understand a committee of the Department of External Affairs is going to make representations to this committee with respect to allowing civil servants to vote under the Canadian forces voting regulations abroad.

The CHAIRMAN: It might be expedient for us to postpone full consideration of this until such time as we have this matter come up next session. Any comment on this, gentlemen?

Mr. PICKERSGILL: I would like to make a suggestion, that in our report to the house we suggest that next session the committee be set up at the earliest possible moment, because it is to the advantage of the house we should be sitting when the debate on the address is going on, and when we are not otherwise much occupied.

The other thing I hope attention will be drawn to in the same way is the fact the government intended to give us the responsibility of looking into political broadcasting. I think this committee should do that and not the Broadcasting Committee.

The CHAIRMAN: Any further comment, Mr. Castonguay?

Mr. CASTONGUAY: I have sent the report on the Cartier inquiry to the Speaker, and it has been tabled in the House of Commons; I have a copy for each member, of the Cartier inquiry presided over by Judge Lazure.

Mr. BELL (*Carleton*): I gather the Department of Justice ruled you were not confined to filing it within the first fifteen days of the session?

Mr. CASTONGUAY: No, I was not.

The CHAIRMAN: At the present time, this document being tabled before the committee, is there any disposition of the committee that it might be printed as part of our evidence?

Mr. PICKERSGILL: I just wonder if it is imposing any more charges on the taxpayers, that is all.

Mr. BELL (*Carleton*): We did not print the other ones, the two of Chief Justice McRuer; and unless the chief electoral officer should suggest to us there are some very significant matters in this that should require it, personally I would be opposed to it.

Mr. PICKERSGILL: I would, also.

Mr. CASTONGUAY: There are not.

The CHAIRMAN: Do I take it that Mr. Bell and Mr. Pickersgill have expressed the sense of the meeting? Is there anything further, gentlemen?

Mr. KUCHEREPA: When will you prepare your report?

The CHAIRMAN: The report of the committee may be prepared within a very short space of time.

Mr. KUCHEREPA: Then I suppose you will call another meeting of the committee?

Mr. PICKERSGILL: We have a quorum here now; why do we not agree that we will have the next meeting next Monday, when we have enough people with consciences here?

Mr. BELL (*Carleton*): At what time?

Mr. PICKERSGILL: Because it does not compete with other committees. These perpetual services, like the Broadcasting Committee, take up all the rest of the time.

The CHAIRMAN: So far as we know, there is a meeting of the Standing Orders Committee scheduled for Monday; that is the only meeting we have noted here. That is at 2.00 p.m.

Mr. BELL (*Carleton*): Is it Mr. Pickersgill's thought that the next meeting should be solely for the purpose of considering the report?

Mr. PICKERSGILL: Yes, solely for the purpose of considering the report. Could we not meet on Monday at 2.00 o'clock?

Mr. DESCHAMBAULT: What about Monday afternoon?

Mr. KUCHEREPA: We cannot meet while the house is sitting.

Mr. BELL (*Carleton*): We cannot meet while the house is sitting, unless we put a motion to that effect.

Mr. DESCHAMBAULT: Let us say 1.30 or 2.00 o'clock. I believe the Broadcasting Committee is sitting in the morning.

Mr. PICKERSGILL: Half an hour would be ample to dispose of it.

Mr. DESCHAMBAULT: At 1.30?

Mr. PICKERSGILL: Say 12.30.

An hon. MEMBER: Some of us have train times to contend with.

Mr. DESCHAMBAULT: The Broadcasting Committee is meeting in the morning, is it?

Mr. PICKERSGILL: Not on Monday, surely? All right, say 1.30.

The CHAIRMAN: We will try and leave it as late as we can, to meet all the trains. This, gentlemen, is with the proviso that the work of preparing the report will be in hand at that time.

Mr. BELL (*Carleton*): The labour, I am sure, will not be too considerable for the chairman.

Mr. PICKERSGILL: I move that we adjourn.

The CHAIRMAN: If there is nothing further, we will adjourn. Thank you, gentlemen.

APPENDIX III

COMPULSORY REGISTRATION

Administration (Explanatory).

The Commonwealth Electoral Administration comprises:—

- (a) the Chief Electoral Officer, who is responsible for the administration of the Commonwealth Electoral laws throughout Australia;
- (b) a Commonwealth Electoral Officer for each of the six States, who, subject to the direction of the Chief Electoral Officer, is the principal executive Electoral Officer, for Federal purposes, in the State;
- (c) a Returning Officer for each of the 75 Electoral Divisions (28 in New South Wales, 20 in Victoria, 10 in Queensland, 6 in South Australia, 5 in Western Australia, 5 in Tasmania and 1 comprising the Northern Territory) who, subject to the control of the respective Commonwealth Electoral Officer in the States, officiates in his respective Division; and
- (d) An Electoral Registrar for each Subdivision (i. e. registration unit) of each Division, who acts under the direction of the respective Returning Officer.

NOTE: As a general rule the Returning Officer in Metropolitan Divisions is also the Electoral Registrar for each of the Subdivisions in his Division, and in country Divisions the Returning Officer is also the Registrar for such Subdivisions as are convenient to his headquarters.

The Chief Electoral Officer, Commonwealth Electoral Officers and Returning Officers are permanent officers of the Commonwealth Public Service solely employed in the administration of the Electoral laws and such other official duties of a similar nature as are imposed upon them. The Electoral Registrar (other than where the Returning Officer so acts) is invariably some local official, e.g. Postmaster.

Electoral Rolls.

The Electoral Rolls are reprinted by the Government Printers in the respective States from time to time as occasion requires and when necessary supplemental rolls are made up. Copies of the latest print of the appropriate subdivision rolls are kept on public exhibition at all Post Offices. For the purposes of an election the rolls close on the day the writ for the election is signed. Under arrangement between the Commonwealth and the States concerned the one "Joint" Roll (kept by the commonwealth authorities) is used for both Commonwealth and State elections in the States of New South Wales, Victoria, South Australia and Tasmania. In Queensland and Western Australia, however, the State Government maintains its own electoral roll separate from that of the Commonwealth.

Compulsory Enrolment.

Section 42 of the Commonwealth Electoral Act requires every person entitled to enrolment or transfer of enrolment to obtain and complete the necessary Claim and send or deliver it to the Registrar for the Subdivision concerned (i.e. the Subdivision in which the claimant lives) within 21 days after he becomes so entitled. It also requires every elector who changes his address (other than temporarily) within the Subdivision for which he is enrolled to notify the Registrar of such change within 21 days.

Enrolment Claim Cards, with envelopes (specimen attached), which are transmissible through the post "Post Free" are made available to the public at Post Offices and other places. These cards may be, and usually are, used for notifying a change of address as well as for claiming enrolment or transfer of enrolment. In effect each qualified elector obtains, completes and submits to the appropriate Registrar a fresh Claim Card on each occasion he changes his place of living.

These compulsory enrolment provisions have been operative for more than twenty-five years and having regard to their effectiveness seem certain to be retained as a permanent feature of the Electoral law of the Commonwealth.

While a considerable proportion of the electors may not be relied upon to promptly comply with the law's requirements on their own initiative, and, on the approach of an election, the political organizations and their canvassers stimulate activity in this regard, the administration employs various means to ensure the continuous maintenance of up-to-date rolls and the implementation of the compulsory enrolment provisions, of which the following are typical:—

Habitation Index System:—This is an arrangement whereby in the cities and larger towns a card for each habitation (excepting residential hotels, colleges, hospitals, etc.) containing the names of electors enrolled in respect of the habitation, is reviewed half-yearly by the best postman. The postman checks, by inquiry where necessary, the entries on the card relating to the particular habitation, indicates thereupon any entries which relate to persons who have permanently left the habitation, and enters on the card the names of any qualified persons living (other than temporarily) at the habitation which do not already appear thereon.

NOTE: With regard to hotels, colleges, hospitals and so on, schedules are maintained and periodically reviewed in a direct manner.

Agency System:—This operates in rural areas where the Habitation Index System is not practicable. Selected persons, usually holding some public office (e.g. Postmasters, Police Officers, Shire Clerks) are appointed Electoral Agents. These agents are supplied periodically with an interleaved list of electors enrolled for their areas and, as in the case of postmen working the Habitation Index, they note in the lists the names of electors who have left etc., and the names of newcomers.

Upon the return of the Habitation Cards or Agent's List from the Postman or Agent concerned, it is the duty of the Registrar to utilize the information contained therein in the prescribed manner towards the cleansing of his roll by the removal of superfluous entries and towards ensuring, by enforcement if necessary, the lodgement of claims for enrolment or notification of change of address by persons not already correctly enrolled. Between reviews the Habitation Cards and Agency Lists are of course kept up to date with the rolls.

Periodical Advices:—Advices of death of adults, marriages of adult brides, convicted persons, and persons granted naturalization and so on are obtained from time to time from the appropriate official sources and utilized as circumstances require.

Index of Electors:—The Official Roll of electors for each Sub-division is kept by the Registrar for the Subdivision, but in the office of the Commonwealth Electoral Officer at the capital of the State is maintained a Card Index of the whole of the electors of the State arranged in lexicographical order. When this Index was inaugurated in 1912, a fresh Claim Card was obtained

from each elector then enrolled. They were assembled alphabetically and since that time every Claim Card submitted by an elector for enrolment, transfer of enrolment or notification of change of address, after being dealt with by the Registrar, is sent to the Commonwealth Electoral Officer for the State who causes it to be placed in its proper position in the Index. At the same time any previous card relating to the same elector is extracted and action taken (where necessary) to ensure the cancellation of the previous enrolment. Cards relating to electors whose names have been removed from the roll through death, objection etc., are extracted from the Index on receipt of the Registrar's Advices. This index of electors for the State safeguards the cleanliness of the rolls by avoiding duplications etc. It also provides a unique directory of the adult electors resident in the State, which proves a most valuable source of reference for many and varied official purposes—Electoral and otherwise.

The manner of the application of the compulsory enrolment provisions is set out substantially in Regulations 17 to 25 of the Electoral and Referendum Regulations (Statutory Rules 1940 No. 163) under the heading Division 2—Enforcement of Law in relation to Enrolment.

The objective is to keep the registration of all qualified persons constantly and continuously up to date so that whenever an election or referendum eventuates a thoroughly accurate and complete roll of those entitled to vote is immediately available.

In administering the compulsory enrolment provisions, every effort is made by the Administration to extend helpful co-operation to the public and to avoid harshness to the fullest possible extent. A notice reminding electors that correct enrolment is compulsory is constantly kept on exhibition at all Post Offices and, as a general practice, Postmen and Agents, where practicable, either leave Claim Cards and envelopes with persons whom they list on the Habitation Cards or Agency Lists, or in some other way remind them of their obligation to adjust their enrolment. Nevertheless, many, because of apathy, forgetfulness or procrastination, neglect to take the required action and in these cases compulsion is necessarily applied. A notification is issued to the person concerned charging him with having failed to comply with the requirements of the law. The person charged may make a statement in answer to the charge, if he so desires, and may consent to the matter being dealt with by the Commonwealth Electoral Officer, thus avoiding proceedings in the ordinary Courts. With very few exceptions, defaulters choose to be dealt with by the Commonwealth Electoral Officer, who is empowered by the law to impose a fine (not exceeding ten shillings for a first offence and not exceeding £2 for any subsequent offence) if he so determines. The penalty actually imposed is, except in the case of second offences or aggravated continuous default, usually a nominal one of 2/6 and wherever even this small amount would involve a hardship, no penalty at all is imposed provided the person concerned remedies his enrolment failure.

There are at present approximately 4,500,000 electors enrolled on the Commonwealth Electoral Roll, and, in a normal year, the number who become entitled to original enrolment or transfer of enrolment from one subdivision to another or change their address within the Subdivision, and who therefore are required by the law to submit a claim or notification to the Registrar totals about 1,500,000. In the great majority of cases, the required claim or notification is submitted readily and promptly either on the elector's own volition or when he is reminded of his obligation, and as a result, on the general average of recent years, only about 25,000 (or less than 2% of those from whom action is required) are fined annually for having failed to comply with the compulsory enrolment provisions within the time allowed. It might

be mentioned that the imposition of a penalty for default does not in any way relieve the person concerned of the obligation to attend to his enrolment. If he is obstinate, it continues in further proceedings and a heavier penalty.

Compulsory Voting

Compulsory Voting was introduced into the Commonwealth law in 1924. It appears to be generally popular with Parliamentary Candidates and the political organizations, and to have been accepted without demur by the great majority of the people. While distasteful to some, especially those with conscientious or religious objections and, occasionally, electors whose views are not represented by any of the candidates at an election, the compulsory principle apparently has the support of the bulk of the responsible elements of the community and consequently, on present indications, seems likely to continue a feature of the Commonwealth Electoral law.

The following facilities are provided to electors to cast their vote:-

Postal Vote

(1)

85.-(1.) An elector who—

- (c) in the case of a person whose name is on the Roll for a Subdivision the State for which he is enrolled;
- (b) will not throughout the hours of polling on polling day be within five miles by the nearest practicable route of any polling booth open in the State for which he is enrolled for the purposes of an election;
- (bb) will throughout the hours of polling on polling day be travelling under conditions which will preclude him from voting at any polling booth in the State for which he is enrolled; or
- (c) is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote, or, in the case of a woman, will by approaching maternity be precluded from attending at any polling booth to vote,

may make application for a postal vote certificate and postal ballot-paper.

(2.) The application must contain a declaration by the applicant setting out the grounds upon which he applies for the postal vote certificate and postal ballot-paper, and may be in the prescribed form, and must be signed by the applicant in his own handwriting in the presence of an elector and must be made and sent, after the issue of the Writ for the election and before the polling day for the election, to the Divisional Returning Officer for the Division for which the applicant is enrolled or to some other Divisional Returning Officer if the applicant has reason to believe that the application may not, in the ordinary course of post, reach the Divisional Returning Officer for the Division for which he is enrolled so as to enable him to receive a postal vote certificate and postal ballot-paper from that officer in time to permit of the applicant voting at the election:

Provided that the application shall not be deemed to have been duly made unless it reaches the Divisional Returning Officer to whom it is addressed before six o'clock in the afternoon of the day immediately preceding the polling day for the election.

91. (1.) The Returning Officer for the Division in respect of which postal vote certificates and postal ballot-papers have been issued shall, if there is time conveniently to do so, note on the certified lists of voters the names of all electors to whom postal vote certificates and postal ballot-papers have been issued.

(2.) If there is not time conveniently to note on the proper certified list of voters the issue of a postal vote certificate and postal ballot-paper, the

Divisional Returning Officer shall immediately advise the presiding officer to whom the certified list of voters has been furnished of the issue of the postal vote certificate and postal ballot-paper.

92. (1.) The following directions for regulating voting by means of postal ballot-papers are to be substantially observed:

- (a) The elector shall exhibit his postal ballot-paper (unmarked) and his postal vote certificate to an authorized witness;
- (b) The elector shall then and there, in the presence of the authorized witness, sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the voter;
- (c) The authorized witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorized witness, and shall add the title under which he acts as an authorized witness and the date;
- (d) The elector shall then and there, in the presence of the authorized witness, but so that the authorized witness cannot see the vote, mark his vote on the ballot-paper in the prescribed manner, and shall fold the ballot-paper so that the vote cannot be seen, and hand it so folded to the authorized witness;
- (e) The authorized witness shall then and there place the ballot-paper in the envelope addressed to the Divisional Returning Officer, fasten the envelope, and hand it to the voter who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Divisional Returning Officer.

112. (1.) In the case of a Senate election, an elector shall only be admitted to vote for the election of Senators for the State for which he is enrolled.

(2.) In the case of a House of Representatives election, an elector shall only be admitted to vote for the election of a member for the Division for which he is enrolled.

ABSENT VOTE

113. (1.) On polling day, an elector shall be entitled to vote at any prescribed polling place for the Subdivision for which he is enrolled or he shall be permitted to vote at any other polling place within the State for which he is enrolled at which a polling booth is open, under and subject to the regulations relating to absent voting.

(2.) The regulations relating to absent voting may prescribe all matters (not inconsistent with this Act) necessary or convenient to be prescribed for carrying this section into effect, and in particular may provide for—

- (a) the forms of absent voters' ballot-papers;
- (b) the manner in which voters are to be marked on absent voters' ballot-papers;
- (c) the method of dealing with absent voters' ballot-papers, including the scrutiny thereof, and the counting of the votes thereon; and
- (d) the grounds upon which absent voters' ballot-papers are to be rejected as informal.

(3.) Absent voters' ballot-papers containing votes and enclosed in any prescribed envelope may, if so provided by the regulations, be placed in any ballot-box in use at the polling booth at which the votes were cast, but notwithstanding anything contained in this Act a prescribed envelope containing an absent voter's ballot-paper shall (unless the regulations otherwise provide)

only be opened and the ballot-paper dealt with, as regards the scrutiny thereof and the counting of the votes thereon, by the Divisional Returning Officer for the Division for which the voter declares that he is enrolled.

DECLARATION VOTE

121. (1.) Notwithstanding anything contained in this Act, when any person who is entitled to be enrolled on the Roll for a Subdivision claims to vote at an election at a polling place prescribed for that Subdivision, and his name has been omitted from or struck out of the certified list of voters for that polling place owing to an error of an officer or a mistake of fact or when any person who is enrolled on the Roll for a Subdivision claims to vote at an election at a polling place prescribed for that Subdivision, and his name cannot be found by the presiding officer on the certified list of voters, he may, subject to the Act and the regulations, be permitted to vote if—

- (a) in the case of a person whose name has been omitted from the certified list—
 - (i) he sent or delivered to the Registrar for the Subdivision a duly completed claim for enrolment or transfer of enrolment, as the case requires, in respect of the Subdivision, and the claim was received by the Registrar before the issue of the writ for the election; and
 - (ii) he did not after sending or delivering the claim and before the issue of the writ become qualified for transfer of enrolment to another Subdivision; or
- (b) in the case of a person whose name has been struck out of the certified list—
 - (i) his name was not, to the best of his knowledge, removed from the Roll for the Subdivision owing to objection, or transfer or duplication of enrolment, or disqualification; and
 - (ii) he had, from the time of his enrolment for the Subdivision to the date of the issue of the writ for the election, continuously retained his right to enrolment for that Subdivision; or
- (c) in the case of a person whose name is on the Roll for a Subdivision for which he claims to vote, but cannot be found by the presiding officer, he claims that his name appears or should appear on the Roll,

and makes a declaration in the prescribed form before the presiding officer at the polling place.

(2.) Where a voter claims to vote under the provisions of this section he shall mark and fold his ballot-paper in the manner prescribed in this Act and return it so folded to the presiding officer.

(3.) The presiding officer shall thereupon, in the presence of the voter and of such scrutineers as are present, and without unfolding the ballot-paper, enclose it in an envelope bearing the declaration of the voter and addressed to the Returning Officer for the Division for which the voter claims to be entitled to vote, and shall forthwith securely fasten the envelope and deposit it in the ballot-box.

As will be observed from the summaries in the Booklet of Statistical Returns in relation to the 1940 Elections, the effect of Compulsory Voting at Commonwealth Elections has been to raise the percentage of Voters to electors enrolled from approximately 64% (the average at the eight Senate Elections held prior to the introduction of Compulsory Voting) to approximately 96%. The actual proportion of the electors enrolled who voted at the last pre-war Senate Election (i.e. that of 1937) was 98.11%. In other words, of 4,080,038

electors enrolled, 3,921,337 recorded their votes. At the 1940 election the percentage of voters was 94.75 (i.e. 4,016,803 voters as against 4,239,346 persons enrolled) the fall in the percentage being mainly due to the inability or failure of many absent on War Service to record their votes. Compulsory voting does not apply to members of the Forces voting under the provisions of the Electoral (War-time) Act. The fact that voting is compulsory is extensively promulgated through the press and radio broadcasting stations on the occasion of each election, and it is evident in normal times very few electors now deliberately refrain from complying with the requirements of the law.

After an election the names of all electors who have voted (as shown by the certified lists used at the polling) are marked off a clean copy of the certified roll which results in those names not so marked being the list of electors who apparently have failed to vote. Notices are issued to those persons (except where the Returning Officer knows the person has since died or was absent from the Commonwealth or for any other reason was unable to vote) calling upon them to furnish their reason for not voting. Replies are received from about 75% of the persons to whom the notices are issued, the bulk of the balance being returned "undelivered" by the Postal Authorities owing to the persons concerned having left the addresses for which they were enrolled, or are otherwise untraceable (the latter applies to prospectors and other itinerant workers etc. with indefinite postal addresses).

The law requires any person receiving a notice calling upon him to explain his failure to vote to reply thereto, and in those instances (relatively few) where the recipient ignores both the notice and a subsequent reminder sent by registered post, he is proceeded against through the Courts for so failing to reply and usually is convicted and fined.

Of the replies received, generally about 95% contain a valid and sufficient reason for the failure to vote—mostly sickness, long distance from a polling booth, religious objections, out of Australia, etc. Of the remaining 5% usually more than half contain a reason not wholly satisfactory but where the administration considers a formal warning against any future dereliction sufficiently meets the case. In only about 2% of the total number of non-voters is the reason (if any) given for failing to vote unacceptable and in these cases the defaulters are so informed and given the option of having the matter dealt with by the Commonwealth Electoral Officer or by the ordinary Courts.

In most instances the delinquents agree to the Departmental adjudication and their cases are dealt with accordingly, a fine of 10/- generally being imposed provided that where any pecuniary penalty would involve a real hardship—that is, where the defaulter is in indigent circumstances—it is waived altogether and a warning issued. Where the offenders do not agree to departmental judgment proceedings are instituted against them in the ordinary Courts and their cases dealt with accordingly.

The aim of the Compulsory Voting provisions is that every qualified elector who is in a position to do so should be required to record his vote, and accordingly, while he is subject to a penalty for failing to vote on any occasion, his entitlement to vote at any future election is not thereby restricted or interfered with.

One very definite advantage derived from the Compulsory Voting provisions is that at each election the roll of electors undergoes an effective check. Each entry on the roll is substantiated by the person named voting or is subject to review by the inquiries in relation to the non-voters. As a result any obsolete entries which have escaped attention in the ordinary course are detected and appropriate action taken towards their removal.

Canberra, 14th February, 1944.

Chief Electoral Officer
for the Commonwealth.

APPENDIX IV

Suggested Amendment
Re Qualifications of Electors

In order to supplement the suggestions made by Mr. R. A. Bell, Q.C., M.P., the following is suggested:

1. Repeal paragraph (c) of subsection 1 of section 14 of the Canada Elections Act and substitute the following therefor:

“(c) In the case of a British subject other than a Canadian citizen, has been ordinarily resident in Canada for the 12 months immediately preceding polling day at such election; and”

2. Make the necessary consequential amendments to Forms Nos. 15, 18, 41, 42, 45, 49 and 50;

3. Make the necessary consequential amendments to paragraphs 41, 61 and Form No. 12 of The Canadian Forces Voting Regulations.

